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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/800,899	KAWAI, EIJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Farzana E. Hossain	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-5,8-10,37 and 74-97 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 and 52-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5,8-10,37,74-92,96 and 97 is/are rejected.
- 7) ☒ Claim(s) 93-95 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to communications filed on 01/09/06. Claims 1, 2, 6, 7, 11, 18-36, 38-51, 57-73 have been cancelled. Claims 3-5, 8-10, have been amended. Claims 12-17, 53-56 have been withdrawn. Claims 74-97 are new.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

3. In response to arguments made in reference to gaming console, which has not been clearly defined in the specification. The specification discloses a hand held terminal device that is mounted in a tuner device. Reynolds a hand held device that plays trivia games (Figure 4A). Herrington (incorporated by reference in Reynolds - see below) discloses that there is a docking station or communications link between the set top box or user television equipment and the hand held device that can allow the hand held device to communicate with the set top box, which reads on the electronic gaming console and the disclosed information is used to reject the claims.

### ***Election/Restrictions***

4. Applicant's election with traverse of Group II drawn to a transmitter with a data inserter in the reply filed on 01/09/06 is acknowledged. The traversal is on the

ground(s) that the groups I and II relate because they contain similar subject matter. This is not found persuasive because a different search would be needed to find the invention of a transmitter with a data inserter and Group I is drawn to a hand held device or gaming console, which displays advertisements to the user.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 88, 90, 91 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al (US 6,799,327 and hereafter referred to as "Reynolds") Note: Reynolds incorporates Herrington et al (US Provisional application 60/138868 and hereafter referred to as "Herrington") by reference in its entirety.

Regarding Claim 88, Reynolds discloses a method of displaying advertisements and program guide information on an information processing apparatus or hand held device or display remote (Column 5, lines 11-17). Reynolds discloses that the advertisements can be graphics (including animation) and video (Column 6, lines 8-9).

Herrington discloses that programs or video can be displayed on the hand held device (Page 34, lines 30-32). Herrington discloses that the viewer selects a pay per view channel listing to order a movie, however, prior to the movie in response to the user selecting to view the pay per view movie a selectable advertisement or sport advertisement is displayed (Figure 9, 705, Page 28, lines 1-12, Page 29, lines 21-32); executing a control program or processing the choice of a user whether to proceed to view the pay per view program or view more selectable advertisements; displaying in response to a selection to view interactive advertisements which include graphics (two dimensional image) (Page 29, lines 21-32). Herrington discloses that a user may display information such as pay per view information or other actions related to the content of the advertisement (Page 29, lines 29-32). Reynolds discloses that advertisements can include games, facts or detailed information (Figures 4A-4E), which includes other actions related to the content of the advertisement. Herrington discloses displaying in response to a selection to view the pay per view program on a display device after ordering the movie (Figure 9) to watch the movie as video can be watched on the display remote (Page 34, lines 30-32).

Regarding Claim 90, Reynolds discloses all the limitations of Claim 88. Reynolds discloses that the information processing apparatus is a personal digital assistant (PDA) (Column 4, lines 23-27). It is well known in the art that a personal computer is a computer is designed for use for one person at a time as defined by Microsoft Press Computer Dictionary 3<sup>rd</sup> edition. A PDA is computing device for use for one person at a time.

Regarding Claim 91, Reynolds discloses all the limitations of Claim 88. Reynolds discloses the information processing apparatus is a hand held apparatus (Column 5, lines 11-17).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 8, 37, 74-76, 78-80, 82, 85, 86, 96, 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Darbee et al (US 2002/0184626 and hereafter referred to as "Darbee").

Regarding Claim 74, Reynolds discloses an interactive advertising system comprising an electronic distribution apparatus or television distribution facility adapted to distribute electronic information content which includes interactive advertisements including regular advertisements and pseudo advertisements and broadcast information (Figure 1, 38, 32, 34-37); a tuner adapted to receive the interactive advertisements and programming guide information (Figure 1) and the advertisements are stored locally in the set top box, which reads on a first storage device (Column 6, lines 26-28); a display remote or hand held device which is adapted to retrieve the advertisements including pseudo advertisements (ads) from the set top box and process the advertisements for

display on the display remote (Column 5, lines 18-21). Reynolds discloses that the viewers can select which advertisements or pseudo ads to display (on which includes the display remote or television) and that the pseudo ads can be video, text or graphics and the pseudo ads can be games that the viewer can play (Figure 4A). Herrington discloses a television system (Figure 1) wherein a distribution facility distributes program or analog/digital video to the set top box (Figure 4, 22). Herrington discloses that programs are broadcasted and stored at the set top box or digital storage device (Figure 4, 31). Herrington discloses a hand held application device or display remote or personal digital assistant (Figures 2a-e) that displays video or broadcast programs, therefore, the broadcast information can be forwarded to the hand held device (Page 34, lines 30-31) which is included in application data (Page 10, line 20-25). Herrington discloses that the hand held device has storage (Figure 3, 56). Reynolds is silent on storing the broadcast information and the advertisements at the hand held storage device. Darbee discloses the hand held terminal device is provided with storage or second storage device for storing programming information, advertising information and other content (Figure 2, 42, Page 2, paragraph 0016, Page 6, paragraph 0077), and processes the advertisement or programming based on user selection (Figure 2, 28, Page 2, paragraph 0016, Page 6, paragraph 0077). Therefore, it would have been obvious at the time the invention was made to modify Reynolds to include at the hand held terminal device a second storage device for storing programming information, advertising information and other content (Figure 2, 42, Page 2, paragraph 0016, Page 6, paragraph 0077) as taught by Darbee in order to specifically target viewers who are

interested in specific advertisement (Page 1, paragraphs 0008-0009) as disclosed by Darbee.

Regarding Claim 78, Reynolds discloses an interactive advertising system comprising an electronic distribution apparatus or television distribution facility adapted to distribute electronic information content which includes interactive advertisements including regular advertisements and pseudo advertisements and broadcast information (Figure 1, 38, 32, 34-37); a tuner adapted to receive the interactive advertisements and programming guide information (Figure 1) and the advertisements are stored locally in the set top box, which reads on a first storage device (Column 6, lines 26-28); a display remote or hand held device which is adapted to retrieve the advertisements including pseudo advertisements (ads) from the set top box and process the advertisements for display on the display remote (Column 5, lines 18-21). Herrington discloses a television system (Figure 1) wherein a distribution facility distributes program or analog/digital video to the set top box (Figure 4, 22). Herrington discloses that programs are broadcasted and stored at the set top box or digital storage device (Figure 4, 31). Herrington discloses a hand held application device or display remote or personal digital assistant (Figures 2a-e, Figure 3) that displays video or broadcast programs, therefore, the broadcast information can be forwarded to the hand held device (Page 34, lines 30-31) which is included in application data (Page 10, line 20-25). Herrington discloses that the hand held device has a computing unit or processing circuitry to retrieve advertisements, broadcast information or application data from the set top box or first storage device (Page 34, lines 30-31, Page 10, lines 20-25) and process the interactive



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advertisements from the application for display based on user selection (Page 24, lines 20-29), a control unit or the hand held device which is a remote control or PDA has the ability to enter user selection via touch sensitive screen, voice recognition, stylus, manual buttons, or keyboard (Page 4, lines 19-26), a display screen to display the interactive advertisement and/or broadcast information (Page 14, lines 19-21) and a second storage device (Figure 3, 56). Reynolds is silent on storing the broadcast information and the advertisements at the hand held storage device. Darbee discloses the hand held terminal device is provided with storage or second storage device for storing programming information, advertising information and other content (Figure 2, 42, Page 2, paragraph 0016, Page 6, paragraph 0077), and processes the advertisement or programming based on user selection (Figure 2, 28, Page 2, paragraph 0016, Page 6, paragraph 0077). Therefore, it would have been obvious at the time the invention was made to modify Reynolds to include at the hand held terminal device a second storage device for storing programming information, advertising information and other content (Figure 2, 42, Page 2, paragraph 0016, Page 6, paragraph 0077) as taught by Darbee in order to specifically target viewers who are interested in specific advertisement (Page 1, paragraphs 0008-0009) as disclosed by Darbee.

Regarding Claims 96 and 97, Reynolds discloses a hand held device or display remote or personal digital assistant (PDA) which allows a user to select between operation modes comprising: a pseudo ad which allows a person to play a game (Figure 4A), which can be stored in the set top box (Column 6, lines 26-28), an

interactive advertisement operating mode for displaying advertisements by selecting advertisements or pseudo advertisements that are being displayed (Figure 3, 62, 64). Herrington discloses that the broadcast information is provided to the user equipment and can be forwarded to the user hand held device (Page 34, lines 30-31). Herrington discloses that the programs and program guide data (includes selectable advertisements – Figures 7-11) can be stored in the digital storage device and that the storage device may be writable optical storage device (Page 17, lines 31-33), which reads on a game mode fore executing a game based on data in digital storage device. Reynolds discloses storage (Figure 3, 56) in the hand held device. Reynolds is silent on the broadcast information and interactive advertisements being stored within an internal memory. Darbee discloses the hand held terminal device is provided with storage or internal memory for storing programming information, advertising information and other content (Figure 2, 42, Page 2, paragraph 0016, Page 6, paragraph 0077), and processes the advertisement or programming based on user selection (Figure 2, 28, Page 2, paragraph 0016, Page 6, paragraph 0077). Therefore, it would have been obvious at the time the invention was made to modify Reynolds to include at the hand held terminal device internal memory for storing programming information, advertising information (Figure 2, 42, Page 2, paragraph 0016, Page 6, paragraph 0077) as taught by Darbee in order to specifically target viewers who are interested in specific advertisement (Page 1, paragraphs 0008-0009) as disclosed by Darbee.

Regarding Claims 3 and 79, Reynolds and Darbee disclose all the limitations of Claims 74 and 78 respectively. Reynolds discloses there is provided an interactive

advertisement specific channel for distributing only the electronic information contents concerning the interactive advertisements (Column 5, lines 46-66).

Regarding Claims 4 and 80, Reynolds and Darbee disclose all the limitations of Claims 74 and 78 respectively. Reynolds discloses that the electronic information contents are provided so as to be distributed using existing broadcasting infrastructure or communication infrastructure (Figure 1, 46, Column 6, lines 22-23).

Regarding Claims 8 and 82, Reynolds and Darbee disclose all the limitations of Claims 74 and 78 respectively. Herrington discloses that programs or video can be displayed on the hand held device (Page 34, lines 30-32). Herrington discloses that the viewer selects a pay per view channel listing to order a movie or broadcasting information contents, however, prior to the movie in response to the user selecting to view the pay per view movie a selectable advertisement is displayed (Figure 9, 705, Page 28, lines 1-12, Page 29, lines 21-32); executing a control program or processing the choice of a user whether to proceed to view the pay per view program or view more selectable advertisements; displaying in response to a selection to view interactive advertisements which include videos (three dimensional image) and graphics (two dimensional image) (Page 29, lines 21-32). Herrington discloses that a user may display information such as pay per view information or other actions related to the content of the advertisement (Page 29, lines 29-32). Reynolds discloses that advertisements can include games, facts or detailed information (Figures 4A-4E), which includes other actions related to the content of the advertisement. Herrington discloses displaying in response to a selection to view the pay per view program on a display

device after ordering the movie (Figure 9) to watch the movie as video can be watched on the display remote (Page 34, lines 30-32).

Regarding Claim 37, Reynolds and Darbee disclose all the limitations of Claim 78. Herrington discloses a communication modem is provided at the hand held device so as to receive electronic information contents or advertisements, program information and video distributed by the television facility (Page 11, lines 4-22, Figures 2a-e).

Regarding Claims 75 and 85, Reynolds and Darbee disclose all the limitations of Claims 74 and 78 respectively. Reynolds discloses that the interactive advertisements are two-dimensional images or graphics and text (Column 6, lines 8-9) and three-dimensional images or video (Column 6, lines 8-9).

Regarding Claims 76 and 86, Reynolds and Darbee disclose all the limitations of Claims 75 and 85 respectively. Reynolds discloses that the user can manipulate interactive features of the selected advertisements via the display remote or hand held device by changing the advertisements (Figure 5, 62, 64).

9. Claims 5, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Darbee as applied to claim 4 and 78 above and further in view of Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond").

Regarding Claim 5 and 81, Reynolds and Darbee disclose all the limitations of Claims 4 and 80 respectively. Reynolds discloses that in the case of using a broadcasting infrastructure, at least broadcasting information contents concerning an

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arbitrary broadcasting program (Column 4, lines 52-64) and electronic information contents concerning the advertisement (Column 4, lines 52-64) are constructed in a group of data. Reynolds and Darbee do not disclose the data are transmitted to be multiplexed in a vertical blanking period of a television broadcast signal adopted at the broadcasting infrastructure. Zigmond discloses the data are transmitted to be multiplexed in a vertical blanking period of a television broadcast signal adopted at the broadcasting infrastructure. (Column 8, lines 39-54). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Reynolds to include that electronic information contents are received from the broadcasting information infrastructure during a vertical blanking period (Column 8, lines 39-54) as taught by Zigmond in order to specifically target viewers who are interested in the advertisement (Column 3, lines 45-67) as disclosed by Zigmond.

10. Claims 9, 10, 83, 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Darbee as applied to claim 8 above, and further in view of Zigmond.

Regarding Claims 9 and 83, Reynolds and Darbee discloses all the limitations of Claim 8 and 82 respectively. Reynolds discloses a tuner receives the broadcast information contents and the advertisements. Reynolds discloses that the electronic gaming console or the hand held device or display remote display interactive advertisements (Column 5, lines 18-21). Reynolds and Darbee do not disclose when the display of the broadcasting information contents is terminated; the receiver displays

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the advertisement video image. Zigmond discloses when the display of the broadcasting information contents is terminated; the tuner or advertisement insertion device displays the advertisement video image (Column 15, lines 45-65). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Reynolds in view of Darbee after the display of the broadcasting information contents, the receiver displays the advertisement video image (Column 15, lines 45-65) as taught by Zigmond in order to specifically target viewers who are interested in the advertisement (Column 3, lines 45-67) as disclosed by Zigmond.

Regarding Claims 10 and 84, Reynolds and Darbee discloses all the limitations of Claim 8 and 82 respectively. Reynolds in view of Darbee does not disclose when the advertisement video image is displayed the display remote or hand held device executes a control program so as to select whether to set a mode for displaying the broadcasting information contents or a mode for continuously displaying the advertisement video image. Zigmond discloses when the advertisement video image is displayed the ad insertion device or receiver executes a control program (Column 6, lines 48-67) so as to select whether to set a mode for displaying the broadcasting information contents or a mode for continuously displaying the advertisement video image (Column 8, lines 30-54). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Reynolds in view of Darbee to allow a control program to set a mode of advertisement or broadcasting information contents (Column 6, lines 48-67, Column 8, lines 30-54) as taught by

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Zigmond in order to specifically target viewers who are interested in the advertisement (Column 3, lines 45-67) as disclosed by Zigmond.

11. Claims 77 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Darbee as applied to claim 76 and 86 above, and further in view of Kamen et al (US 2002/0171686 and hereafter referred to as "Kamen").

Regarding Claims 77 and 87, Reynolds and Darbee disclose all the limitations of Claims 76 and 87 respectively. Reynolds discloses the interactive features may include accessing other images by changing the advertisements (Figure 5, 62, 64). Reynolds is silent on zooming, rotating, manipulating colors and changing perspectives. Kamen disclose a system that transmits programming information (Figures 2, 2A-D, 2C') and changing the display of the programming information (Page 3, paragraphs 0041-0042) via zooming into a video space (Page 2, paragraph 0022), reducing the image (Page 8, paragraph 0087), rotating images (Page 8, paragraph 0088), or changing the color (Page 2, paragraph 0022), which all change viewing perspectives (Figures 2, 2A-D, 2C'). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Reynolds in view of Darbee to include interactive features of zooming into a video space (Page 2, paragraph 0022), reducing the image (Page 8, paragraph 0087), rotating images (Page 8, paragraph 0088), or changing the color (Page 2, paragraph 0022), which all change viewing perspectives (Figures 2, 2A-D, 2C') as taught by Kamen in order to customize the EPG look to the viewer's

specification for better vision and for particular viewing habits (Page 1, paragraph 0007, Page 2, paragraph 0015) as disclosed by Kamen.

12. Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Lawrence et al (US 2001/0034269 and hereafter referred to as "Lawrence").

Regarding Claim 89, Reynolds discloses all the limitations of Claim 88. Reynolds discloses that games can be played via the display remote (Column 5, lines 13-21, Figure 4A). Reynolds is silent on the display remote or hand held device being video game console. Lawrence discloses a system with a display remote which receives programming (Figure 1, 72) and gaming signals from the head end to the set top box then to the display remote (Figure 1, Figure 4, page 1, paragraphs 0011, 0014). Lawrence discloses that the display remote can be used to play a video game, which reads on a video game console (Page 3, paragraph 0036). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Reynolds electronic information contents is transferred to the information processing apparatus is a video game console ((Page 3, paragraph 0036, Figure 1, Figure 4, page 1, paragraphs 0011, 0014) as taught by Gerba in order to enhance the view experience of a user (Page 1, paragraph 0008) as disclosed by Lawrence.

13. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Gerba et al (US 5,831,908 and hereafter referred to as "Gerba").



Regarding Claim 92, Reynolds discloses all the limitations of Claim 88. Herrington discloses the electronic information contents are transferred to the information processing apparatus by a television distribution facility by a broadcast distribution facility but does not explicitly analog terrestrial wave. Gerba discloses that electronic information contents are transferred to the information processing apparatus by a terrestrial wave (Column 4, lines 21-25). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Reynolds electronic information contents is transferred to the information processing apparatus by a terrestrial wave (Column 4, lines 21-25) as taught by Gerba in order to allow a user to make selections and manipulate audiovisual data (Column 1, lines 13-18) as disclosed by Gerba.

***Allowable Subject Matter***

14. Claims 93-95 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Reynolds discloses a receiver receiving advertisements and pseudo advertisements (Column 5, lines 26-28). Herrington discloses selecting broadcast information or pay per view program and watching a selectable or spot advertisement prior to viewing the broadcast information (Figure 9, Figure 10). Gerba discloses the

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advertisements and broadcast information transmitted via an analog terrestrial wave (Column 4, lines 21-25).

The prior art of record does not suggest nor teach the following limitations (or similar limitations) in conjunction with other elements as claimed in the rejected independent claim: a request command to transfer data and inserting a dummy packet following the transfer request command and then a program start command.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

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272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
February 22, 2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER